

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): SADOT, Emek	Conf. No.: 2558
Application No.: 10/072,364	Art Unit: 2194
Filed: February 6, 2002	Examiner: ANYA, Charles
Title: CLIENT-CONTROLLED LOAD BALANCER	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR REVIEW BY SUPERVISORY PATENT EXAMINER
PURSUANT TO MPEP 707.02

Sir:

The present application has been pending for over seven-and-one-half years, and seven Office Actions have issued. Applicant has filed two Notices of Appeal to have rejections reviewed by the Board, and both of these appeals have resulted in the reopening of prosecution. The, current, seventh, Office Action makes 16 different claim rejections under 35 U.S.C. 103(a). Not one of these rejections satisfies the requirements of MPEP 706.02(j) and therefore a prima facie case of obviousness has not been presented in connection with any claim. It will now be necessary to issue an eighth, non-final, Office Action if any of the present rejections are maintained thereby extending prosecution of the application well into an eighth year.

Section 707.02 of the MPEP provides:

The supervisory patent examiners are expected to personally check on the pendency of every application which is up for the third or subsequent Office action with a view to finally concluding its prosecution.

Any application that has been pending five years should be carefully studied by the supervisory patent examiner and every effort should be made to terminate its prosecution. In order to accomplish this result, the application is to be considered "special" by the examiner.

It is respectfully requested that the present application be considered "special" by the examiner and that the examiner's SPE "personally check on" and "carefully study" the present application as required by the MPEP so that allowable subject matter can be identified and/or so that clear issues can be developed that are appropriate for review by the Board of Patent Appeals and Interferences in order to bring this case to a resolution.

Respectfully submitted,

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